

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Andy Westry
Debtor 1
Jasmine Marie Westry,
Debtor 2

CHAPTER 7

Andy Westry
Jasmine Marie Westry,
Movant

CASE NO. 1:24-bk-00325-HWV

v.
Belco Community Credit Union,
Respondent

**RESPONSE/OBJECTION TO DEBTOR'S MOTION
TO AVOID JUDICIAL LIEN**

AND NOW, comes Belco Community Credit Union ("Belco"), by and through its attorneys, Martson Law Offices, and responds/objects to Debtor's Motion to Avoid Judicial Lien of Belco, averring as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Belco is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Belco is a party-in-interest under the provisions of the Bankruptcy Code, as it is a creditor of Andy Westry and Jasmine Marie Westry ("Debtors").

4. On or about February 8, 2024, Belco obtained a judgment against the Debtors in the amount of \$14,130.71, plus interest accruing at a rate of 7.74% per annum from October 2, 2023, attorneys' fees in the amount of \$3,000.00, and costs of suit in the York County Court of Common Pleas at docket number 2023-SU-003416.

5. Debtors filed their Chapter 7 Bankruptcy Petition on or about February 9, 2024 (Doc. [1](#)).

6. Debtors own their four (4) bedroom, three (3) bathroom residence located at 18 Barberry Court, Manchester, Pennsylvania 17345 (the "Property").

7. On or about February 12, 2024, Debtors filed a Motion to Avoid the Judicial Lien of Belco pursuant to 11 U.S.C. §522(f).

8. Debtors claim that the Property has a value of \$232,000.00 based on their purchase price of the Property in April 2022.

9. Debtors' Motion asserts that PennyMac Loan Services ("PennyMac") encumbers the Property with a mortgage in the amount of \$223,196.00.

10. Debtors' Motion asserts that U.S. Department of Housing and Urban Development ("HUD") encumbers the Property in the Property in the amount of \$16,615.00.

11. Debtors did not claim any dollar amount in their Ch. 7 Petition pursuant to 11 U.S.C. §522(b)(2) based on Debtors' alleged equity in the Property.

12. Debtors' Motion notes that they may claim a homestead exemption up to \$27,900.00 pursuant to 11 U.S.C. §522(d)(1).

13. Belco had a comparative market analysis of the Property completed on or about February 22, 2024, which revealed the Property's value was \$291,400.00.

A true and correct copy of the CMA dated February 22, 2024, is attached hereto and incorporated herein as Exhibit “A.”

14. Based on the CMA dated February 22, 2024, and the mortgages totaling \$239,811.00, Debtors have \$51,589.00 in equity in the Property.

15. Based on the CMA dated February 22, 2024, and the applicable formula under 11 U.S.C §522(f)(2)(A), Belco’s Judicial Lien would **not** be avoided as there is sufficient equity in the Property for Debtors to take the maximum exemption:

- a. Amount 1st and 2nd Mortgage - \$239,811.00
- b. Value of Debtor’s Equity - \$ 27,900.00
- c. Sum of Mortgages and Equity- \$267,711.00
- d. Amount of Belco’s Judicial Lien - \$15,432.00
- e. Sum of Mortgages, Equity, and Belco’s Lien \$283,143.00

16. As such, the above reflects that if this Honorable Court sets a value in excess of \$267,711.00 for the Property, Belco is entitled to maintain at least part of its lien, and if the value if the Property is found to be in excess of \$283,143.00, Belco is entitled to receive the entire value of its lien.

17. Based on the CMA, there is excess equity in the Property that would prohibit Debtors from avoiding Belco’s Judicial Lien if value of the Property is set at the value indicated in the CMA.


18. Therefore, a valuation of the Property needs to occur to determine whether there is sufficient value in the Property for all or a portion of Belco’s judicial lien to remain secured by the Property.

19. In the interest of judicial economy, Counsel for Debtor and Belco are arranging for Belco to engage and pay for an appraisal of the Property and have agreed to request a continuance of any valuation hearing if the same is scheduled

prior to the completion of the appraisal and are hopeful that a resolution could be reached without the need of a hearing once an appraisal is obtained.

WHEREFORE, Belco respectfully requests that this Honorable Court schedule a hearing to determine the value of the Property, and, if possible, request that the same be set at the Court's convenience in April of 2024.

MARTSON LAW OFFICES

By 

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Attorneys for Belco Community Credit Union

Date: March 4, 2024

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CASE NO. 1:24-bk-00325-HWV

**ORDER ON MOTION
TO AVOID JUDICIAL LIEN**

Upon consideration of the Debtor's Motion to Avoid Judicial Lien, and the Response(s) thereto, it is hereby ORDERED that a hearing shall be held on _____ in Courtroom _____, to determine the value of the Property.

BY THE COURT:

Chief Judge Henry W. Van Eck

Exhibit “A”

VALUE SURE PROPERTY VALUATION

90924863

2/22/2024

Client: Owner: WESTRY ANDY & JASMINE M
Branch: Loan #:
Fax/Email: Property: 18 BARBERRY CT,
Attention: MANCHESTER, PA 17345

ValueSure Estimated Market Value **\$291,400**

Low: \$265,174

High: \$317,626

Confidence Score: High (91)

Subject Property Details

APN:	76-000-05-0018.00-00000	Sale Date:	2022-04-20
Year Built:	2008	Sale Price:	\$232,000
Living Area:	1480	Land Use:	SFR
Total Rooms:	7	Assessed Year:	2023
Bedrooms:	3	Assessed Value:	\$119,690
Baths:	2	Lender:	MORTGAGE NETWORK INC
Lot Size (SF):	10411	Loan Amount:	\$227,797
Pool:	No Pool	Census Tract:	21020

Area Sales

Property	BD	BA	Year Built	Living Area	Lot Size	Distance (miles)	Sale Date	Sale Price
1 16 BARBERRY CT, MANCHESTER, PA 17345	3	2	2008	1928	5576	0.02	2022-10-12	\$299,200
2 12 BARBERRY CT, MANCHESTER, PA 17345	4	1	2009	1700	4922	0.027	2022-07-29	\$249,995
3 2 AZALEA CT, MANCHESTER, PA 17345	3	2	2008	1726	7057	0.072	2022-07-29	\$266,000
4 160 BOXWOOD RD, MANCHESTER, PA 17345	3	2	1990	1242	7667	0.205	2023-08-16	\$165,000
5 175 POPLAR ST, MANCHESTER, PA 17345	3	1	1992	1326	7492	0.226	2023-11-30	\$212,500
6 121 BOXWOOD RD, MANCHESTER, PA 17345	3	2	1996	1721	10019	0.287	2022-04-19	\$275,000
7 117 ALDER CT, MANCHESTER, PA 17345	3	1	2000	1448	9060	0.335	2022-12-28	\$259,500
8 55 DOGWOOD LN, MANCHESTER, PA 17345	3	2	2001	1428	10019	0.339	2022-06-27	\$280,000
9 30 DOGWOOD LN, MANCHESTER, PA 17345	2	1	1994	1374	12153	0.4	2023-04-13	\$260,001
10 20 DOGWOOD LN, MANCHESTER, PA 17345	3	2	1994	1384	12153	0.425	2023-06-29	\$210,000

The estimated market value is based on various mathematical formulas and techniques proprietary to Fidelity National Financial. This report has not been prepared by a licensed appraiser nor does it constitute an official appraisal of the subject property. The information in this report is provided "as is" and all uses are at the user's sole risk. Fidelity National Financial is not liable for the accuracy of the information provided in this report.

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March, 2024, true and correct copy of the above and foregoing document shall be served via ECF if available, otherwise by regular, first class mail, to:

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